

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Case No. 4:19-cr-00406-RK-1
)
)
KAMEL MAHGUB ELBURKI,)
)
)
Defendant.)

ORDER

Before the Court is the Report and Recommendation prepared by Magistrate Judge W. Brian Gaddy on October 10, 2024, which recommends that the Court deny Defendant's "Motion for Leave of Court to File Out of Time, His Second Motion Under Rule 12 Federal Rules of Criminal Procedure, Motion to Dismiss [] All Indictments" (Doc. 907) and his contemporaneously filed "Second Motion to Dismiss All Indictments For Denial Of His Right to Counsel of Choice" (Doc. 908). (Doc. 940.) Neither party filed objections within the 14-day period provided by Rule 59(b) of the Federal Rules of Criminal Procedure. As a result, the parties have waived their right to review. *Id.* After reviewing the record, the Court accepts the findings and recommendation made by Magistrate Judge Gaddy in full. Accordingly, the Court **ORDERS** that (1) the Report and Recommendation of Magistrate Judge Gaddy (Doc. 940) is **ADOPTED** and (2) Defendant's motion for leave and second motion to dismiss (Docs. 907, 908) are **DENIED**.

IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: October 29, 2024